

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA  
ARZELL WILKERSON,

Plaintiff,

vs.

CAPITAL ONE,

Defendant.

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EDRA D. HACKETT, CLK

CIVIL ACTION NO.

CV-04-2865-TMH

2005 DEC 14 PM 2:01

**NOTICE OF FILING NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1446(d), Defendant identified as Capital One Services, Inc./Capital One, F.S.B. ("Capital One") hereby gives notice to the Circuit Court of Montgomery County, Alabama that this action has been removed to the United States District Court for the Middle District of Alabama, Northern Division. Attached is a copy of the Notice of Removal.

  
Rik S. Tozzi (TOZ001)

Attorney for all Defendants (Defendant Erroneously identified in the original Complaint as Capital One and the Defendant identified in the Amended Complaint as Capital One Services, Inc. and Capital One, FSB)

**OF COUNSEL:**

STARNES & ATCHISON LLP  
Seventh Floor, 100 Brookwood Place  
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Birmingham, Alabama, 35259-8512  
(205) 868-6000

**CERTIFICATE OF SERVICE**

I do hereby certify that I have caused a copy of the foregoing pleading to be mailed to counsel for all parties to this action on this the 19<sup>th</sup> day of December, 2005.

  
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OF COUNSEL

cc:

Norman Hurst, Jr.  
Attorney at Law  
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